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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MONICA EISENTECKEN, TAHOE  
STEWARDS, LLC, DAVID BENEDICT,  
ANGELA LYNN BENEDICT, SUCCESSOR  
IN INTEREST, TAHOE FOR SAFER TECH,  
and ENVIRONMENTAL HEALTH TRUST,

Plaintiffs,

v.

TAHOE REGIONAL PLANNING  
AGENCY; JOANNE MARCHETTA, in her  
official and individual capacities, MARSHA  
BERKBIGLER in her official and individual  
capacities; SUE NOVASEL, in her official  
and representative capacities; GUILLIAM  
NEL; and SACRAMENTO-VALLEY  
LIMITED PARTNERSHIP dba VERIZON  
WIRELESS,

Defendants.

2:20-cv-02349-DJC-CKD

**STIPULATION AND ORDER  
DISMISSING GUILLIAM NEL  
WITHOUT PREJUDICE**

Pursuant to Local Rule 143, Plaintiffs Monica Eisenstecken, Tahoe Stewards, LLC, David Benedict, Angela Lynn Benedict, Successor in Interest, Tahoe for Safer Tech and Environmental Health Trust (collectively, “Plaintiffs”), and Defendants Tahoe Regional Planning Agency, Joanne Marchetta, Marsha Berkgigler, and Sue Novasel (collectively, the “TRPA Defendants”) and Nominal Defendants Guillian Nel and Sacramento-Valley Limited Partnership dba Verizon Wireless (collectively, the “Verizon Defendants”), through their respective undersigned counsel, stipulate and agree as follows:

1. On July 31, 2025, Plaintiffs filed their document titled “Fourth Amended Complaint, Petition for Writ of Mandate, Declaratory Relief and Injunctive Relief” (the “Fourth Amended Complaint,” ECF No. 103).

2. Plaintiffs allege in Paragraph 36 of the Fourth Amended Complaint that Nominal defendant Guillian Nel (“Nel”) is an individual, and the owner of the property located at 1360 Ski Run Boulevard, South Lake Tahoe, California, where Verizon Wireless has constructed and is operating a monopine cell tower, adjacent to the property formerly owned by Plaintiff Eisenstecken’s father, George, and where the Eisenstecken family resided until late 2021. Plaintiffs further allege that on information and belief, Nel and Verizon Wireless have entered into a lease agreement pursuant to which Nel has allowed Verizon Wireless to construct and operate a 112-foot tall monopine cell tower on his property, and Verizon Wireless is paying Nel rental income in return. Nel has cooperated with Verizon Wireless to secure the necessary permits from the City of South Lake Tahoe and TRPA, and any other governmental or regulatory body for the construction, operation, and maintenance of the cell tower and accessory structures and equipment. Plaintiffs allege that Nel is named as a nominal defendant herein because he is a real party in interest insofar as part of the relief requested is that this Court order Verizon's monopine cell tower at 1360 Ski Run Boulevard to be deactivated, dismantled, and removed from the site. In that event, Nel may face the cessation of rental payments to him by Verizon.

3. Nel has asked that he be dismissed from the lawsuit. Plaintiffs hereby agree to dismiss Nel WITHOUT PREJUDICE provided that all Defendants, including Nominal

Defendants, agree that no party hereinafter may assert that Nel's dismissal constitutes the removal of a real party in interest which gives rise to a claim that the action must be dismissed under F.R.C.P. 19 for failure to join an indispensable party.

4. Accordingly, all Defendants, including Nominal Defendants, agree that no party hereinafter may assert that Nel's dismissal constitutes the removal of a real party in interest which gives rise to a claim that the action must be dismissed under F.R.C.P. 19 for failure to join an indispensable party.

5. By stipulating to Nominal Defendant Nel's dismissal, Verizon Wireless does not concede that it has been properly named as a Nominal Defendant in the Fourth Amended Complaint nor does it waive any related arguments. Verizon Wireless reserves its right to contest its inclusion in this lawsuit.

NOW THEREFORE,

The parties represent that this stipulation is made in good faith and not for the purpose of delay.

DATED: October 28, 2025

LEONARD LAW, PC

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*Attorneys for TRPA Defendants*

DATED: October 28, 2025

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/s/ Robert J. Berg (as authorized on 10/28/2025)  
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1 DATED: October 28, 2025

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10 *Attorneys for Verizon Defendants*

11 IT IS SO ORDERED.

12 Dated: November 21, 2025

13 /s/ Daniel J. Calabretta

14 THE HONORABLE DANIEL J. CALABRETTA

15 UNITED STATES DISTRICT JUDGE